

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:06-cr-00177 (1)

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

HORTENCIA HUERTA,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 329), to whom this case was referred pursuant to 28 U.S.C. §636(b) and Fed. R. Crim. P. 59, and noting that no objections have been filed thereto and that the time for filing such objections expired on December 27, 2007, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant is found competent to stand trial, the filing of the Plea Agreement (Doc. No. 325) is confirmed, and the Court finds Defendant's plea of guilty pursuant to the Plea Agreement to be knowing, intelligent, and voluntary. The Court grants the currently pending Motion to Amend. The Court further finds that there is an adequate factual basis for a finding of guilt and Defendant is found guilty as charged in Count One.

December 31, 2007.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge